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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

AMARIN PHARMA, INC. and AMARIN  
PHARMACEUTICALS IRELAND LIMITED,

Plaintiffs,

vs.

HIKMA PHARMACEUTICALS USA, INC.  
and HIKMA PHARMACEUTICALS  
INTERNATIONAL LIMITED,

Defendants.

Case No. 2:16-cv-02525-MMD-NJK

(Consolidated with 2:16-cv-02562-MMD-  
NJK)

**DEFENDANTS' MOTION FOR LEAVE  
TO FILE DEFENDANTS' OPPOSITION  
TO AMARIN'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
AND EXHIBITS UNDER SEAL**

Pursuant to Local Rule IA 10-5, Defendants Hikma Pharmaceuticals USA, Inc. and Hikma Pharmaceuticals International Limited (together, “Hikma”) and Defendants Dr. Reddy’s Laboratories, Inc. and Dr. Reddy’s Laboratories, Ltd. (together, “DRL”) hereby move for leave to file portions of Defendants’ Opposition to Amarin’s Motion for Partial Summary Judgment and the entirety of Exhibits 1 and 2 under seal (collectively, “Defendants’ Opposition to Amarin’s Motion for Partial Summary Judgment”). A redacted version of Defendants’ Opposition to Amarin’s Motion for Partial Summary Judgment was filed on August 30, 2019. *See* ECF No. 247. This Motion is based upon the following points and authorities and any additional information the Court may choose to consider.

On March 16, 2017, the Court entered a Stipulated Discovery Confidentiality Order. ECF No. 69. Under the Stipulated Discovery Confidentiality Order, materials that contain “trade secrets, competitively-sensitive technical, marketing, financial, sales or other confidential business information” shall be marked “Confidential” “to preserve legitimate business interests.” *Id.* at 2, 3.

The redacted portions of Defendants’ Opposition to Amarin’s Motion for Partial Summary Judgment comprise or reference discovery materials that have been designated Confidential under the Stipulated Discovery Confidentiality Order by Plaintiffs Amarin Pharma, Inc. and Amarin Pharmaceuticals Ireland Limited (together, “Amarin”). Exhibit 1 is an excerpted deposition transcript of Amarin’s expert that has been marked Confidential and that discusses nonpublic and proprietary information concerning Amarin’s branded product. Exhibit 2 is an excerpted reply report of Amarin’s expert that Amarin has served with a Confidential designation that discusses nonpublic and proprietary information concerning its branded product.

The confidential information that Defendants seek to redact is the type of technical and business information that is treated as confidential by pharmaceutical companies generally. The disclosure of this information would reveal the confidential details of Amarin’s technical and business information and would give competitors an unfair advantage, causing Amarin to suffer a commercial disadvantage.

The Local Rules of Practice for the United States District Court for the District of Nevada, LR IA 10-5, allow for papers to be filed with the Court under seal if those papers are accompanied

by a motion for leave to file those documents under seal. “It is well settled that the Court has the authority to shield proprietary information related to the ongoing operations of a business from public review.” *Phase II Chin, LLC v. Forum Shops, LLC*, No. 2:08-cv-00612-JCM-GWF, 2010 WL 2695659, at \*2 (D. Nev. July 2, 2010). Likewise, the Federal Rules of Civil Procedure anticipate that the Court may require that confidential “commercial information not be revealed or be revealed only in a specified way.” Fed. R. Civ. P. 26(c)(1)(g).

In light of the confidential nature of Amarin’s technical and business information and the commercial harm that Amarin would suffer upon disclosure, good cause and compelling reasons exist to justify sealing portions of Defendants’ Opposition to Amarin’s Motion for Partial Summary Judgment. *See Phase II Chin*, 2010 WL 2695659, at \*2 (finding good cause to seal business information “[b]ased on the commercial disadvantage [defendant] would suffer from public disclosure”); *Spectrum Pharms., Inc. v. Sandoz Inc.*, 2014 WL 141037, at \*2 (D. Nev. Aug. 19, 2014) (granting motion to seal brief and exhibits on a dispositive motion upon finding that “compelling reasons” existed to seal proprietary, trade secret, and technical information related to the defendants’ ANDA products that “overcame the presumption of public access”).

For the reasons stated above, Hikma and DRL request that the Court grant their Motion for leave to file Defendants’ Opposition to Amarin’s Motion for Partial Summary Judgment under seal.

DATED: August 30, 2019

Respectfully submitted,

/s/ Claire A. Fundakowski

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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and on this 30<sup>th</sup> day of August, 2019, I served the document entitled **DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' OPPOSITION TO AMARIN'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND EXHIBITS UNDER SEAL**, on the parties listed below via the following:

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☐ **VIA FIRST CLASS U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Reno, Nevada for delivery to the foregoing.

☒ **VIA ELECTRONIC SERVICE:** by electronically filing the document with the Clerk of the Court using the ECF system which served the foregoing parties electronically.

/s/ Jeff Tillison  
Employee of Brownstein Hyatt Farber  
Schreck, LLP